

# **HOUSE . . . . . No. 3514**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 17, 2013.

The committee on Ways and Means to whom was referred the message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3451), reports, in part, recommending that the accompanying bill (House, No. 3514) ought to pass [Total appropriation: \$96,374,473].

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2013, and to make other changes in law, each of which is immediately needed for important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for supplementing certain items in the general appropriation act and  
2 other appropriation acts for fiscal year 2013, the sums set forth in section 2 are hereby  
3 appropriated from the General Fund unless specifically designated otherwise in this act or in  
4 those appropriation acts, for the several purposes and subject to the conditions specified in this  
5 act or in those appropriation acts, and subject to the laws regulating the disbursement of public  
6 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts  
7 previously appropriated and made available for the purposes of those items.

8 SECTION 2.

JUDICIARY

*Board of Bar Examiners.*

11 0321-0100..... \$18,681

*Berkshire District Attorney.*

13 0340-1100..... \$53,813

14 SECRETARY OF THE COMMONWEALTH

15 *Office of the Secretary of the Commonwealth.*  
16 0521-0000..... \$13,592,734

17 TREASURER AND RECEIVER GENERAL

18 *Office of the Treasurer and Receiver General.*

19 0610-2000..... \$500,000

20 0611-1000..... \$50,000

21 0612-0105..... \$200,000

22 *Human Resource Division.*

23 1750-0300..... \$347,000

24 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

25 *Department of Housing and Community Development*

26 7004-0099..... \$100,000

27 7004-0103..... \$1,200,000

28 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

29 *Department of Workforce Development.*

30 7002-0012..... \$10,000,000

31 EXECUTIVE OFFICE OF EDUCATION

32 *Department of Elementary and Secondary Education.*

33 7061-9010..... \$8,000,000

34 *Department of Higher Education*

35 7066-0009..... \$183,000

36 EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

37 *Office of the Chief Medical Examiner.*

38 8000-0122..... \$250,000

39 *Emergency Management Agency.*

40 8800-0001..... \$641,750

41 *Department of Corrections.*

42 8900-0001..... \$4,200,000

43 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to  
44 provide for an alteration of purpose for current appropriations, and to meet certain requirements  
45 of law, the sum set forth in this section is hereby appropriated from the General Fund unless  
46 specifically designated otherwise in this section, for the several purposes and subject to the  
47 conditions specified in this section, and subject to the laws regulating the disbursement of public  
48 funds for the fiscal year ending June 30, 2013. This sum shall be in addition to any amounts  
49 previously appropriated and made available for the purposes of this item.

50 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

51 *Reserves*

52 1599-0415 For a reserve to provide home modifications and moving expenses for  
53 certain victims of the Boston Marathon bombings; provided, however, that funding shall only be  
54 provided to a person who has either lost a limb or lost the use of a limb as a result of the Boston  
55 Marathon bombings that occurred on April 15, 2013; provided further, that an eligible person  
56 shall receive benefits for the purpose of home modification or moving expenses to suitably  
57 accessible housing that shall include, but not be limited to, the following: special fixtures or  
58 movable facilities, moving expenses to obtain suitable alternative housing and other necessary  
59 home modifications due to the person’s disability; provided further, that the secretary of  
60 administration and finance shall promulgate rules and regulations necessary for the identification  
61 of eligible victims of the Boston Marathon bombings and the awarding of benefits; and provided  
62 further, that the funds appropriated in this item shall not revert and shall be made available for  
63 these purposes through June 30, 2014.....\$200,000

64 1599-1973 For the cost of hired and leased equipment, vehicle repair and sand, salt and  
65 other control chemicals used for snow and ice control.....\$55,687,495

66 Commonwealth Transportation Fund 100 %

67 1599-1974 For a reserve to be administered by the executive office for administration  
68 and finance for the purposes of facilitating the purchase of health insurance by certain  
69 commonwealth employees under the premium only plan of the Section 125 cafeteria plan, 26  
70 U.S.C. § 125, who are not eligible for health insurance coverage provided by the group insurance  
71 commission under chapter 32A of the General Laws; provided, that funds in this item may be  
72 expended until June 30, 2014.....\$400,000

73 EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

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*Department of the Secretary of Health and Human Services*

4000-0265.....\$1,000,000

SECTION 2C.I. For the purpose of making available in fiscal year 2014 balances of appropriations which otherwise would revert on June 30, 2013, the unexpended balances of the maintenance appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of the general appropriation act for fiscal year 2013. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 of the general appropriation act; provided, however, that for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section 2 or 2A of this act or in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

TRESURER AND RECIEVER GENERAL

*Office of the Treasurer and Receiver General*

0612-0105.....\$200,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Office of the Secretary of Administration and Finance*

1599-2013.....\$477,000

SECTION 3. Subsection (e) of section 167A of chapter 6 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following clause:- ; and (iii) the collection, storage, access, dissemination, content organization and use of fingerprint-based checks of the state and national criminal history databases.

SECTION 4. Chapter 6A of the General Laws is hereby amended by inserting after section 16U the following 2 sections:-

Section 16V. (a) There shall be within the executive office of health and human services, but not subject to the control of the office, a bureau of program integrity. The inspector general shall appoint a director of the bureau, who shall serve as an assistant inspector general, and shall serve for a term of 4 years. The inspector general may remove the director and designate an interim director until a new director is appointed. The director shall devote full time and attention to the duties of this office. The director shall be subject to the provisions of chapter 12A.

108 (b) The director of the bureau may appoint persons as are necessary to perform the  
109 functions of the bureau; provided, however, that section 9A of chapter 30 and chapter 31 shall  
110 not apply to any person holding such an appointment. The director may appoint and remove,  
111 subject to the approval of the inspector general, expert, clerical or other assistants as the work of  
112 the bureau may require. Employees shall devote their full-time and attention to their duties while  
113 employed with the bureau and shall be subject to the provisions of chapter 12A.

114 (c) The bureau shall monitor the quality, efficiency and integrity of programs  
115 administered by the executive office of health and human services. The bureau shall seek to  
116 prevent, detect and correct fraud, waste and abuse in the expenditure of public funds for benefit  
117 programs including, but not limited to, MassHealth, Transitional Aid to Families with Dependent  
118 Children, Emergency Assistance to Elders, Disabled and Children, the Supplemental Nutrition  
119 Assistance Program and other assistance benefits distributed via electronic benefit cards.

120 (d) In addition to the responsibilities set forth in subsection (c), the bureau shall have the  
121 following duties: (i) review current eligibility intake and determination procedures for public  
122 benefit programs administered by the office of health and human services, and make  
123 recommendations as appropriate; (ii) provide advice to the office on any new intake procedures  
124 and regulations for eligibility determination; (iii) monitor whether eligibility regulations are  
125 being followed by the administering agency; (iv) review the office's efforts to coordinate with  
126 other state agencies to transmit and collect data on beneficiaries; (v) monitor the efficiency of the  
127 program integrity division under the department of transitional assistance; (vi) review the  
128 training provided to employees serving under the office of health and human services on  
129 methods of intake procedures and beneficiary determination; and (vii) provide advice on  
130 automating reporting of indicators of potential fraud cases.

131 (e) The bureau shall coordinate and consult with the executive office of health and human  
132 services on the efforts to verify eligibility for recipients of benefit programs through the sharing  
133 of information with other agencies and departments, including but not limited to, the department  
134 of revenue, the department of elementary and secondary education, the department of  
135 unemployment assistance, the department of industrial accidents, the registry of motor vehicles,  
136 the department of criminal justice information services and the department of corrections.

137 (f) Chapter 12A shall apply to investigations, reviews, studies and all other work the  
138 bureau performs.

139 Section 16W. (a) The executive office of health and human services shall establish and  
140 maintain a computerized income, asset, and identity eligibility verification system, hereafter  
141 referred to as the integrated eligibility system, to aggregate data necessary to verify income,  
142 assets and identity when determining an applicant's eligibility for assistance in order to eliminate  
143 the duplication of assistance and deter fraud within each public benefits program administered by  
144 the office; provided, however, that information held pursuant to the establishment of this system

145 is used in compliance with chapter 66A and meets all applicable federal and state privacy and  
146 security requirements.

147 (b) The office may enter into contracts with third-party vendors for the purposes of  
148 developing and maintaining the integrated eligibility system; provided, however, that any such  
149 vendor shall be required by contract to establish annualized savings realized from the  
150 implementation of the integrated verification system that shall exceed the total yearly cost to the  
151 commonwealth for implementing the integrated verification system.

152 (c) The office shall require all departments, offices and divisions under the authority of  
153 the office that are administering public benefits programs to use the integrated eligibility system  
154 to match the social security number of an applicant for, or recipient of, public assistance against  
155 information provided by the following data sources where permitted by state and federal privacy  
156 laws: (1) a nationwide public records data source of physical asset ownership such as real  
157 property, automobiles, watercraft, aircraft and luxury vehicles; (2) the department of revenue; (3)  
158 undisclosed depository account information and account balances of disclosed accounts at  
159 national and local financial institutions; (4) a nationwide public records data source of  
160 incarcerated individuals; (5) outstanding default or arrest warrant information maintained by the  
161 criminal history systems board, the criminal justice information system, and the warrant  
162 management system; (6) a nationwide best-address and driver's license data source to verify  
163 individuals are residents of the commonwealth; (7) the registry of motor vehicles; (8) the  
164 department of elementary and secondary education; (9) a comprehensive public records database  
165 that identifies potential identity fraud or identity theft that can closely associate name, social  
166 security number, date of birth, phone and address information; and (10) a database which is  
167 substantially similar to or a successor of a database mentioned in this section.

168 (d) In addition to the data source matching requirements under subsection (c), the office  
169 shall incorporate into the integrated eligibility system access to the following data sources, to the  
170 extent such data sources are available and permitted by state and federal privacy law: (1)  
171 unearned income information maintained by the Internal Revenue Service; (2) employer  
172 quarterly reports of income and unemployment insurance payment information maintained by  
173 the executive office of labor and workforce development; (3) earned income information  
174 maintained by the Social Security Administration; (4) immigration status information maintained  
175 by the United States Citizenship and Immigration Services; (5) death register information  
176 maintained by the Social Security Administration; (6) prisoner information maintained by the  
177 Social Security Administration; (7) public housing and Section 8 Housing Assistance payment  
178 information maintained by the Department of Housing and Urban Development and the  
179 Massachusetts public housing authorities; (8) national fleeing felon information maintained by  
180 the Federal Bureau of Investigation; (9) wage reporting and similar information maintained by  
181 states contiguous to this State; (10) beneficiary records and earnings information maintained by  
182 the Social Security Administration in its Beneficiary and Earnings Data Exchange database; (11)  
183 earnings and pension information maintained by the Social Security Administration in its

184 Beneficiary Earnings Exchange Record System database; (12) employment information  
185 maintained by the department of labor and workforce development and the department of  
186 unemployment assistance; (13) employment information maintained by the United States  
187 Department of Health and Human Services in its National Directory of New Hires database; (14)  
188 supplemental Security Income information maintained by the Social Security Administration in  
189 its SSI State Data Exchange database; (15) workers compensation information maintained by the  
190 department of industrial accidents; (16) veterans' benefits information maintained by the United  
191 States Department of Health and Human Services, in coordination with the Massachusetts  
192 department of health and human services and department of veterans' affairs, in the federal  
193 Public Assistance Reporting Information System database; (17) child care services information  
194 maintained by the department of children and families; (18) utility payments information  
195 maintained by the department of housing and community development under the low income  
196 home energy assistance program; (19) emergency utility payment information maintained by  
197 local cities and towns or councils on aging; (20) a database of all persons who currently hold a  
198 license, permit, or certificate from a State agency the cost of which exceeds \$1,000; and (21) a  
199 database which is substantially similar to or a successor of a database mentioned in this section.

200 (e) The office shall work with the departments, offices, or divisions, under the authority  
201 of the office, that assist in the administration of public benefit programs, as well as the bureau of  
202 program integrity, established pursuant to this chapter, to develop uniform rules and regulations  
203 regarding intake procedures and procedures for handling discrepancies that may result between  
204 an applicant or recipient's social security number and one or more of the databases or  
205 information tools outlined in this section; provided that an applicant or recipient shall be notified  
206 of any discrepancy that arises between their social security number and information retrieved by  
207 the integrated eligibility system and the applicant or recipient shall be provided an opportunity to  
208 explain any discrepancy; provided that self-declarations by an applicant or recipient shall not be  
209 accepted as the sole verification of categorical and financial eligibility during eligibility  
210 evaluations and reviews; provided that all self-declarations made on or pursuant to an application  
211 for public assistance shall be signed under the pains and penalties of perjury; and, provided  
212 further that numerical identifiers, other than valid social security numbers, shall not be used as  
213 alternatives to social security numbers for time periods in excess of 3 months. If a recipient is  
214 unable to provide an accurate social security number to replace a numerical identifier within a  
215 time period of 3 months, the recipient's public assistance benefits shall be terminated unless the  
216 individual is a victim of domestic violence who has a pending petition for legal status under the  
217 federal Violence Against Women Act.

218 (f) Where permitted by state and federal law, the office shall enter into intergovernmental  
219 service agreements with state and local law enforcement agencies to develop an information  
220 sharing system to verify identity, through an automated fingerprinting comparison system to be  
221 accessed by the office and law enforcement agencies, in instances of trafficking of electronic  
222 benefit cards or other suspected criminal activity involving fraud and misuse of public benefits.

223 SECTION 5. Section 7 of chapter 15D of the General Laws is hereby amended by  
224 striking subsection (a), as amended by section 1 of chapter 459 of the Acts of 2012, and inserting  
225 in place thereof the following subsection:-

226 (a) The department shall issue and may renew a license to any person other than a  
227 department, agency or institution of the commonwealth or any political subdivision thereof, who  
228 meets applicable standards and requirements to establish and maintain or to assist in the  
229 establishment and maintenance of a school-aged child care program, a child care center, family  
230 child care home, placement agency or large family child care home, family foster care which is  
231 not supervised and approved by a placement agency, group care facility or temporary shelter  
232 facility. As part of the department's licensing and background record check process, the  
233 department shall:

234 (i) conduct fingerprint-based checks of the state and national criminal history databases,  
235 as authorized by Public Law 92-544, before issuing any license. The fingerprint-based checks  
236 shall be conducted on any applicant for a family child care, small group and school age, large  
237 group and school age, residential and placement license or family child care assistant certificate.  
238 The fingerprint-based checks shall also be required for any household member, age 15 or older,  
239 or person regularly on the premises, age 15 or older, of applicants for family child care licensure  
240 and for all in-home non-relative department funded caregivers. Authorized department staff may  
241 receive all criminal offender record information and the results of checks of state and national  
242 criminal history databases, under Public Law 92-544, in accordance with the law. When the  
243 department obtains the results of checks of state and national criminal history databases, it shall  
244 treat the information according to sections 167 through 178, inclusive, of chapter 6 and the  
245 regulations thereto regarding criminal offender record information.

246 (ii) conduct fingerprint-based checks of the state and national criminal history databases,  
247 as authorized by Public Law 92-544, to determine the suitability of all applicants for  
248 employment, interns, or volunteers who have the potential for unsupervised contact with children  
249 in any department licensed or funded program. The fingerprint-based checks shall also be  
250 required to determine the suitability of any individual who provides transportation services on  
251 behalf of any department licensed or funded program. Authorized department staff may receive  
252 all criminal offender record information and the results of checks of state and national criminal  
253 history databases, under Public Law 92-544, in accordance with the law. When the department  
254 obtains the results of checks of state and national criminal history databases, it shall treat the  
255 information according to sections 167 through 178, inclusive, of chapter 6 and the regulations  
256 thereto regarding criminal offender record information.

257 (iii) conduct fingerprint-based checks of the state and national criminal history databases,  
258 as authorized by 42 U.S.C. section 16962, for all applicants to be adoptive or foster parents and  
259 their household members age 15 or older. Authorized department staff may receive all criminal  
260 offender record information and the results of checks of state and national criminal history

261 databases, under 42 U.S.C. section 16962, in accordance with the law. When the department  
262 obtains the results of checks of state and national criminal history databases, it shall treat the  
263 information according to sections 167 through 178, inclusive, of chapter 6 and the regulations  
264 thereto regarding criminal offender record information.

265 (iv) obtain from the sex offender registry board all current sex offender registration  
266 information, pursuant to sections 178i and 178j of chapter 6, associated with the address of the  
267 center, home, program or facility.

268 SECTION 6. Section 7 of chapter 15D of the General Laws is hereby amended by  
269 striking out subsection (b), as amended by section 2 of chapter 459 of the acts of 2012, and  
270 inserting in place thereof the following subsection:-

271 (b) The department shall issue approval to a department, agency, or institution of the  
272 commonwealth or any political subdivision thereof which it determines meets the applicable  
273 standards and requirements to establish and maintain a child care center, family child care home  
274 or large family child care home, placement agency, group care facility or temporary shelter  
275 facility.

276 As part of the department's approval process, the department shall conduct fingerprint-  
277 based checks of the state and national criminal history databases, under Public Law 92-544,  
278 before issuing any approval. The fingerprint-based checks of the state and national criminal  
279 history databases shall also be conducted, under Public Law 92-544, to determine the suitability  
280 of all applicants for employment, interns, or volunteers who have the potential for unsupervised  
281 contact with children in any department approved program. The fingerprint-based checks shall  
282 also be required to determine the suitability of any individual who provides transportation  
283 services on behalf of any department approved program. Authorized department staff may  
284 receive all criminal offender record information and the results of checks of state and national  
285 criminal history information databases, under this subsection, in accordance with the law. When  
286 the department obtains the results of checks of state and national criminal information databases,  
287 it shall treat the information according to sections 167 through 178, inclusive, of chapter 6 and  
288 the regulations thereto regarding criminal offender record information.

289 As part of the department's approval process, the department shall obtain from the sex  
290 offender registry board all current sex offender registration information, pursuant to sections  
291 178i and 178j of chapter 6, associated with the address of the center, home, program or facility  
292 before issuing any approval.

293 SECTION 7. Subsection (d) of section 8 of chapter 15D of the General Laws, as  
294 amended by section 4 of chapter 459 of the acts of 2012, is hereby amended by inserting, after  
295 the words "42 U.S.C section 16962", in the last sentence, the following:- for potential adoptive  
296 and foster parents and their household members age 15 or older; Public Law 92-544 for all

297 licensing matters as set forth by the department and for all applicants for employment, interns or  
298 volunteers in any department licensed, funded or approved program.

299 SECTION 8. Subsection (d) of section 8 of chapter 15D of the General Laws, as  
300 amended by section 4 of chapter 459 of the acts of 2012, is hereby amended by inserting after the  
301 last sentence the following paragraph:-

302 The board shall adopt regulations establishing that each person providing child care or  
303 support services with the potential for unsupervised contact with children in any program or  
304 facility licensed, funded, or approved by the department, as well as any household members or  
305 persons regularly on the premises of family child care and large family child care homes, any  
306 prospective adoptive and foster parents and their household members, any department funded  
307 caregivers, and any individual who provides transportation services on behalf of any department  
308 licensed, funded or approved program shall be subject to a sexual offender registry information  
309 check pursuant to sections 178i and 178j of chapter 6. The regulations shall also establish the  
310 conditions in which the department may deny an application for a license, license renewal or  
311 approval, employment, or department funding, as well as deny prospective adoptive and foster  
312 parents based upon the information obtained from the sex offender registry search. The board  
313 shall also adopt regulations establishing an address search of the sex offender registry for  
314 purposes of licensing, license renewal or approval of school-aged child care programs, child care  
315 centers, family child care homes, placement agencies or large family child care homes, family  
316 foster care that is not supervised and approved by a placement agency, group care facilities or  
317 temporary shelter facilities, including the conditions in which the department may deny an  
318 application for a license, license renewal or approval based upon the information obtained from  
319 the address search of the sex offender registry.

320 SECTION 9. Section 8 of chapter 15D of the General Laws, as amended by section 5 of  
321 chapter 459 of the acts of 2012, is hereby amended by striking out subsection (j) in its entirety  
322 and inserting in place thereof the following:-

323 (j) Fingerprints, as referenced in subsections (a) and (b) of section 7 and subsection (d) of  
324 this section, shall be submitted to the identification section of the department of state police for a  
325 state criminal history check and forwarded to the Federal Bureau of Investigation for a national  
326 criminal history check, according to the policies and procedures established by the identification  
327 section and by the department of criminal justice information services. Fingerprint submissions  
328 may be retained by the Federal Bureau of Investigation, the state identification section, and the  
329 department of criminal justice information services for the purpose of assisting the department in  
330 its review of suitability for initial or continued licensure, certification, or approval. The  
331 department of criminal justice information services may disseminate the results of a state and  
332 national criminal history checks to the department of early education and care to determine the  
333 suitability of : (i) any current holder of or applicant for a family child care, small group and  
334 school age, large group and school age, and residential and placement license, or family child

335 care assistant certificate; (ii) all current and prospective employees in any department licensed,  
336 funded or approved program, who have the potential for unsupervised contact with children; (iii)  
337 all household members, age 15 or older, or persons regularly on the premises, age 15 or older, of  
338 current family child care providers and applicants for family child care licensure; (iv) all in-home  
339 non-relative department funded caregivers; (v) all adoptive or foster parent applicants and their  
340 household members age 15 or older; and (vi) any individual who provides transportation services  
341 on behalf of any department licensed, funded or approved program. If the department receives  
342 information from a fingerprint-based check that does not include any final disposition or is  
343 otherwise incomplete, the department may request that an applicant, either new or renewing,  
344 provide additional information to assist the department in determining the suitability of the  
345 individual for licensure, certification, approval, funding or employment.

346 For the purposes of this section, a “conditional employee” is an individual who has the  
347 potential for unsupervised contact with children who a department licensed, funded or approved  
348 program or a provider of transportation services on behalf of any department licensed, funded or  
349 approved program, hires without first obtaining the results of a state and national fingerprint-  
350 based criminal history check because the employer determines that hiring the individual is  
351 necessary. A department licensed, funded or approved program, or a provider of transportation  
352 services on behalf of any department licensed, funded or approved program, may hire  
353 conditional employees under the following circumstances:

354 Until the Commonwealth has fully implemented a system for forwarding fingerprints to  
355 the Federal Bureau of Investigation for a national criminal history check and providing the  
356 results of those checks to the department, the department licensed, approved or funded program,  
357 or the provider of transportation services on behalf of any department licensed, funded or  
358 approved program, may hire individuals without first obtaining the results of a state and national  
359 fingerprint-based criminal background check if the employer has first obtained the results of a  
360 criminal offender record information check and department of children and families background  
361 record check, as required by the department, on the individual(s).

362 Once the Commonwealth has fully implemented a system for forwarding fingerprints to  
363 the Federal Bureau of Investigation for a national criminal history check and providing the  
364 results of those checks to the department:

365 Programs or transportation providers shall require employees hired for September, 2013  
366 or thereafter without the results of state and national fingerprint-based criminal history checks to  
367 submit fingerprints for state and national criminal history checks within a reasonable period of  
368 time; and;

369 Programs or transportation providers may hire individuals without first obtaining the  
370 results of a state and national fingerprint-based criminal history check in limited circumstances.  
371 The board of early education and care shall in a manner provided by law and in accordance with

372 chapter 15D of the general laws, promulgate regulations necessary to carry out this section.  
373 These regulations shall address the circumstances under which a program or transportation  
374 provider may hire a conditional employee.

375 Notwithstanding any laws to the contrary, if a program or transportation provider seeks to  
376 hire a conditional employee, the program or transportation provider may request that the  
377 individual provide additional information regarding his or her history of criminal convictions, if  
378 any, to assist the program or transportation provider in determining the individual's suitability  
379 for unsupervised contact with children; provided however, that no unsupervised contact with  
380 children shall occur prior to the program or transportation provider obtaining the results of a  
381 sexual offender registry information check pursuant to sections 178i and 178j of chapter 6.

382 The department of criminal justice information services shall disseminate the results of  
383 the criminal background check to the department. The department of criminal justice information  
384 services shall only disseminate information under this section that would otherwise be available  
385 to requesting entities under sections 167 through 178, inclusive, of chapter 6 and the regulations  
386 thereto regarding criminal offender record information.

387 All persons required to submit fingerprints pursuant to this chapter, including but not  
388 limited to, (i) any current holder of or applicant for a family child care, small group and school  
389 age, large group and school age, and residential and placement license, or family child care  
390 assistant certificate; (ii) all current and prospective employees in any department licensed,  
391 funded or approved program, who have the potential for unsupervised contact with children; (iii)  
392 all household members, age 15 or older, or persons regularly on the premises, age 15 or older, of  
393 current family child care providers and applicants for family child care licensure; (iv) all in-home  
394 non-relative department funded caregivers; (v) all adoptive or foster parent applicants and their  
395 household members age 15 or older; and (vi) any individual who provides transportation services  
396 on behalf of any department licensed, funded or approved program, shall pay a fee, to be  
397 established by the department in consultation with the secretary of public safety and security, to  
398 offset the costs of operating and administering a fingerprint-based criminal background check  
399 system. The fee shall not exceed \$35 per person. The fee may increase accordingly if the  
400 Federal Bureau of Investigation increases its fingerprint background check service fee. The  
401 department licensed, funded or approved programs may reimburse applicants for employment for  
402 all or part of the fee on the grounds of financial hardship. Any fees collected from fingerprinting  
403 activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust  
404 Fund, established under section 2HHHH of chapter 29.

405 SECTION 10. Paragraph (B) of section 2 of chapter 18 of the General Laws, as amended  
406 by section 1 of chapter 161 of the acts of 2012, is hereby further amended by adding the  
407 following clause:-

408 (k) require the use of photo identification on the front of each newly issued and reissued  
409 electronic benefit transfer card for each cardholder who is over the age of 18.

410 SECTION 11. Paragraph (D) of said section 2 of said chapter 18, as so appearing, is  
411 hereby amended by inserting after clause (f) the following clauses:—

412 (g) the termination of benefits to any recipient, who has failed to notify the department of  
413 a change of address, and who the department has attempted to contact by certified mail, but  
414 whose mail communication has been returned to the department as undeliverable; and

415 (h) the termination of benefits to any recipient who has failed to provide the department  
416 with a social security number within 3 months of application for assistance, pursuant to section  
417 16 of chapter 6A.

418 SECTION 12. Section 5J of chapter 18 of the General Laws, as most recently amended  
419 by chapter 161 of the acts of 2012, is hereby further amended by striking out the last sentence of  
420 the first paragraph, and replacing it with the following sentence:—

421 A store owner who knowingly allows a prohibited electronic benefit transfer transaction  
422 in violation of this section, subsection (b) of section 5I, or section 5O, shall be punished by a fine  
423 of not less than \$2500 for a first offense, by a fine of not less than \$5000 for a second offense,  
424 and by a fine of not less than \$10000 for a third or subsequent offense.

425 SECTION 13. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby  
426 amended by inserting after subsection (c), the following new subsections:-

427 (d) Subject to appropriation, the department shall promulgate rules and regulations to  
428 increase the education of benefit recipients and retail vendors regarding: statutory requirements  
429 under sections 5I and 5J of this chapter; personal financial management, banking, and budgeting;  
430 and the online payment system outlined in Section 26A of this chapter.

431 SECTION 14. Chapter 18 of the General Laws is hereby amended by inserting after  
432 section 5N the following 2 sections:-

433 Section 5O. (a) The department of transitional assistance shall establish and maintain an  
434 online application process for businesses wishing to apply to accept electronic benefit transfer  
435 cards at point of sale. All businesses that wish to accept electronic benefit transfer cards at point  
436 of sale shall apply online on the department's website. The department shall seek to increase  
437 acceptance of electronic benefit transfer cards at retail establishments. The list of businesses that  
438 shall not be approved includes, but is not limited to those establishments detailed in subsection  
439 (a) of section 5J of this chapter.

440 (b) The online application shall require, at minimum, the following information: name of  
441 store or business, including if different, corporation name or doing business as name; full address

442 of business; owner name, owner phone number and address; standard industrial classification  
443 code; and an explanation of the business conducted by the establishment which includes the type  
444 of goods or merchandise sold.

445 (c) The department shall continuously maintain a list of businesses declined by the  
446 department from accepting electronic benefit transfer cards. The list shall be made public and  
447 updated on a quarterly basis.

448 (d) Upon approval of the application, the department shall issue an authorization number  
449 to the owner of the business. The owner shall display said authorization number in an area  
450 conspicuous to customers of the business.

451 (e) Any store owner who knowingly accepts electronic benefit transfer cards without the  
452 approval of the department shall be subject to the fines and punishments outlined in subsection  
453 5J of this chapter.

454 (f) The department shall promulgate all rules and regulations necessary to carry out this  
455 section.

456 Section 5P. Notwithstanding any general or special law to the contrary, direct cash  
457 assistance issued by the Commonwealth shall not be used for purchases in states other than  
458 Massachusetts and states contiguous to Massachusetts. For the purposes of this section,  
459 contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and  
460 Vermont. The department of transitional assistance shall identify all violators on a monthly basis.  
461 Any eligible recipient who violates this section may be disqualified from the program for not less  
462 than 3 months, subject to any appeals process established by the department pursuant to chapter  
463 30A. The department shall notify the recipient that they must report in person to their local  
464 department of transitional assistance office to have their benefits reinstated. Any eligible  
465 recipient who violates this section for a second time may be permanently disqualified from the  
466 direct cash assistance program where permissible by state and federal law.

467 SECTION 15. Section 10 of said chapter 18, as appearing in the 2010 Official Edition, is  
468 hereby amended by striking out, in line 2, the words “general court” and inserting in place  
469 thereof, the following words:- house and senate committees on ways and means.

470 SECTION 16. Chapter 18 of the General Laws is hereby amended by inserting after  
471 section 26, the follow section:-

472 Section 26A. (a) The department shall implement an online payment system accessible  
473 by computer or mobile device for cash assistance recipients to manage benefits and pay rent and  
474 utility bills by direct payment to a landlord or utility company by regularly deducting the amount  
475 of the rent or utility bill from the amount of the benefits otherwise payable to the recipient. The  
476 system shall, at minimum, allow recipients to track personal expenditures of cash assistance

477 benefits, to view the balance of benefits received, and to orchestrate the direct regular payment  
478 of recipient rent and utility bills by the department. The department shall also consider including  
479 in the online payment system educational tools and suggestions regarding personal financial  
480 management, banking, and budgeting.

481 Whenever a determination is made that benefits have not been used in the best interest of  
482 the child or the assistance unit or other chronic misuse of benefits is occurring, the department  
483 shall manage the provision of benefits in the form of vendor payments with respect to rent and  
484 utilities. The department may presume mismanagement of benefits whenever shelter costs,  
485 including but not limited to, rent, heat, fuel, and utilities, have regularly not been met without  
486 reasonable cause. Upon an affirmative finding of the mismanagement of benefits by a recipient,  
487 the department shall review the eligibility of said recipient to receive benefits.

488 At eligibility determinations and reviews, the department shall screen households to  
489 determine if they have chronically failed to pay rent and utilities to determine if it is appropriate  
490 to institute or terminate vendor payments and shall refer those households to the housing  
491 consumer education centers and community-based resources for assistance in meeting their  
492 expenses.

493 (b) All cash assistance recipients shall have the option to manage benefits and pay rent  
494 and utility bills through the online payment system and shall receive cash assistance benefits  
495 equal to the amount of the balance of benefits otherwise payable to the recipient following said  
496 online payments.

497 (c) Two years following the passage of this section, all new cash assistance recipients  
498 shall be required to pay rent and utility bills through the online payment system and shall receive  
499 cash assistance benefits equal to the amount of the balance of benefits otherwise payable to the  
500 recipient following said online payment. Existing cash assistance recipients shall continue to  
501 have the option to pay rent and utility bills through the online payment system.

502 (d) Three years following the passage of this section, all cash assistance recipients shall  
503 be required to pay rent and utility bills through the online payment system and shall receive cash  
504 assistance benefits equal to the amount of the balance of benefits otherwise payable to the  
505 recipient following said online payment.

506 (e) The department shall regularly evaluate the online payment system and the number of  
507 recipients utilizing and not utilizing the system to pay rent and utility bills. The department shall  
508 screen the households not utilizing the online payment system to determine if they have failed to  
509 pay rent and utilities and if they are using benefits in the best interest of the child or assistance  
510 unit. Following a determination of mismanagement of benefits, the department may reexamine  
511 recipient eligibility and investigate the possibility of eligibility fraud and shall manage the  
512 provision of benefits to said households in the form of vendor payments pursuant to subsection  
513 (a) of this section.

514 (f) The department shall promulgate all rules and regulations necessary to carry out this  
515 section.

516 SECTION 17. Section 2HHHH of chapter 29 of the General Laws, as amended by  
517 section 6 of chapter 459 of the acts of 2012, is hereby amended by striking out the first paragraph  
518 in its entirety and inserting in place thereof the following paragraphs:-

519 There shall be established and set up on the books of the commonwealth a separate fund  
520 to be known as the Fingerprint-Based Background Check Trust Fund, which will consist of all  
521 fees collected for the purposes enumerated in chapter 459 of the acts of 2012. Amounts credited  
522 to the fund shall be available, without further appropriation, to the executive office of public  
523 safety and security to carry out fingerprint-based state and national criminal background checks  
524 for the purposes of employment, professional licensure and other non-criminal justice purposes.

525 For the purpose of accommodating discrepancies between the receipt of revenue and  
526 related expenditures for implementing fingerprint-based checks of the state and national criminal  
527 history databases, as authorized by chapter 459 of the acts of 2012, the executive office of public  
528 safety and security may incur expenses and the comptroller may certify for payment amounts not  
529 to exceed the most recent revenue estimate, provided further that the fund shall be in balance by  
530 the end of the fiscal year. Revenues deposited in the fund that are unexpended at the end of the  
531 fiscal year shall not revert to the General Fund and shall be available for expenditure in the  
532 following fiscal year.

533 SECTION 18. Section 24 of chapter 32A of the General Laws is hereby amended by  
534 striking out, in subsection (a), the words “and shall administer the fund in accordance with that  
535 section” and inserting in place thereof the following:- the fund and shall employ the Pension  
536 Reserves Investment Management Board to invest the fund’s assets in the Pension Reserves  
537 Investment Trust Fund.

538 SECTION 19. Subsection (b) of section 6M of chapter 62 of the General Laws, as  
539 appearing in section 29 of chapter 238 of the acts of 2012, is hereby amended by striking out the  
540 definition of “Taxpayer” and inserting in place thereof the following definition:-

541 “Taxpayer”, a taxpayer subject to the personal income tax under this chapter.

542 SECTION 20. Clause (4) of subsection (c) of said section 6M of said chapter 62, as so  
543 appearing, is hereby further amended by striking out the word “fiscal” and inserting in place  
544 thereof the following word:- taxable.

545

546 SECTION 21. Said section 6M of said chapter 62, as so appearing, is hereby further  
547 amended by striking out subsections (f) to (k), inclusive, and inserting in place thereof the  
548 following 6 subsections:-

549 (e) The total of all tax credits available to a taxpayer that makes a qualified investment  
550 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be  
551 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

552 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to  
553 be computed as provided in this subsection, against the taxes imposed by this chapter. If the  
554 amount of the credit allowed under this subsection exceeds the taxpayer's tax liability, the  
555 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of  
556 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a  
557 credit under this subsection for a taxable year may carry over and apply against the taxpayer's  
558 tax liability for any one or more of the succeeding 5 taxable years, the portion, as reduced from  
559 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to  
560 carry over a credit balance, however, then the credit refund provision allowed by this subsection  
561 shall not apply. The credit shall be equal to 50 per cent of the total qualified investments made  
562 by the taxpayer, subject to the limits described in subsection (e). The department shall issue a  
563 certification to the taxpayer after the taxpayer makes a qualified investment. This certification  
564 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified  
565 investment for purposes of the credit allowed under this section.

566 (g) The credit allowable under this section shall be allowed for the taxable year in which  
567 a qualified investment is made.

568 (h) Community investment tax credits allowed to a pass-through entity such as a  
569 partnership or a limited liability company taxed as a partnership shall be passed through to the  
570 persons designated as partners, members or owners, respectively, pro rata or pursuant to an  
571 executed agreement among the persons designated as partners, members or owners documenting  
572 an alternative distribution method without regard to their sharing of other tax or economic  
573 attributes of the entity.

574 (i) The department shall authorize the tax credits under this section. The total value of  
575 the tax credits authorized under this section, together with section 38EE of chapter 63, shall not  
576 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,  
577 inclusive.

578 (j) The commissioner, in consultation with the department, shall adopt regulations to  
579 carry out the tax credit established in this section.

580

581 SECTION 22. Subsection (b) of section 21 of chapter 62C of the General Laws, as  
582 amended by sections 43 to 46, inclusive, of chapter 224 of the acts of 2012, is hereby further  
583 amended by adding the following clause:-

584 (27) the disclosure of tax return information for individuals or households to an agency of  
585 the commonwealth, if the agency certifies that the information is relevant to determine eligibility  
586 of those individuals or households for benefits awarded by the agency.

587 SECTION 23. Subsection (b) of section 38EE of chapter 63 of the General Laws, as  
588 appearing in section 35 of said chapter 238, is hereby amended by inserting before the definition  
589 of “Community development corporation” the following definition:-

590 “Commissioner”, the commissioner of revenue or the commissioner’s duly authorized  
591 representative.

592 SECTION 24. The definition of “community investment tax credit” in said subsection  
593 (b) of said section 38EE of said chapter 63, as so appearing, is hereby amended by striking out  
594 the letter “(c)” and inserting in place thereof the following letter:- (d).

595 SECTION 25. Subsection (b) of said section 38EE of said chapter 63, as so appearing, is  
596 hereby amended by striking out the definition of “Taxpayer” and inserting in place thereof the  
597 following definition:-

598 “Taxpayer”, a taxpayer subject to an excise under this chapter.

599 SECTION 26. Clause (4) of subsection (c) of said section 38EE of said chapter 63, as so  
600 appearing, is hereby further amended by striking out the word “fiscal” and inserting in place  
601 thereof the following word:- taxable.

602 SECTION 27. Said section 38EE of said chapter 63, as so appearing, is hereby further  
603 amended by striking out subsections (e) to (i), inclusive, and inserting in place thereof the  
604 following 5 subsections:-

605 (e) The total of all tax credits available to a taxpayer that makes a qualified investment  
606 under this section shall not exceed \$1,000,000 in any 1 taxable year. No tax credit shall be  
607 allowed to a taxpayer that makes a qualified investment of less than \$1,000.

608 (f) A taxpayer that makes a qualified investment shall be allowed a refundable credit, to  
609 be computed as provided in this subsection, against the taxes imposed by this chapter. If the  
610 amount of the credit allowed under this subsection exceeds the taxpayer’s tax liability, the  
611 commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of  
612 the excess, without interest. Alternatively, at the option of the taxpayer, a taxpayer entitled to a  
613 credit under this subsection for a taxable year may carry over and apply against the taxpayer’s  
614 tax liability for any 1 or more of the succeeding 5 taxable years, the portion, as reduced from  
615 year to year, of the credit which exceeds the tax for the taxable year. If the taxpayer elects to  
616 carry over a credit balance, however, then the credit refund provision allowed by this subsection  
617 shall not apply. The credit shall be equal to 50 per cent of the total qualified investments made  
618 by the taxpayer, subject to the limits described in subsection (e). The department shall issue a

619 certification to the taxpayer after the taxpayer makes a qualified investment. This certification  
620 shall be acceptable as proof that the expenditures related to that investment qualify as a qualified  
621 investment for purposes of the credit allowed under this section.

622 (g) The credit allowable under this section shall be allowed for the taxable year in which  
623 a qualified investment is made.

624 (h) Community investment tax credits allowed to a pass-through entity such as a  
625 partnership or a limited liability company taxed as a partnership shall be passed through to the  
626 persons designated as partners, members or owners, respectively, pro rata or under an executed  
627 agreement among the persons designated as partners, members or owners documenting an  
628 alternative distribution method without regard to their sharing of other tax or economic attributes  
629 of the entity.

630 (i) The department shall authorize the tax credits under this section. The total value of  
631 the tax credits authorized under this section, together with section 6M of chapter 62, shall not  
632 exceed \$3,000,000 in taxable year 2014 and \$6,000,000 in each of taxable years 2015 to 2019,  
633 inclusive.

634 SECTION 28. Chapter 71 of the General Laws is hereby amended by striking out section  
635 38R, as amended by section 7 of chapter 459 of the acts of 2012, and inserting in place thereof  
636 the following:-

637 Section 38R. In a manner prescribed by the board of elementary and secondary  
638 education, the school committee and superintendent of any city, town or regional school district  
639 and the principal or other administrator, by whatever title the position be known, of a public or  
640 private school, including a special education school program approved under chapter 71B, shall  
641 obtain periodically, but not less than every 3 years, from the department of criminal justice  
642 information services all available criminal offender record information for any current or  
643 prospective employee or volunteer within the school district who may have direct and  
644 unmonitored contact with children, including any individual who regularly provides school  
645 related transportation to children. Said school committee, superintendent or principal or other  
646 administrator shall also have access to and may obtain all criminal offender record information  
647 for any subcontractor or laborer commissioned by the school committee or school or employed  
648 by the city or town to perform work on school grounds, who may have direct and unmonitored  
649 contact with children.

650 The school committee, superintendent of any city, town or regional school district or the  
651 principal or other administrator, by whatever title the position be known, of a public or private  
652 school, including a special education school program approved under chapter 71B, shall also  
653 obtain a state and national fingerprint-based criminal background check, under 42 U.S.C. section  
654 16962, to determine the suitability of current and prospective school employees who may have  
655 direct and unmonitored contact with children. For the purpose of this section, employees shall

656 include any apprentice, intern, or student teacher who may have direct and unmonitored contact  
657 with children. The school committee shall only obtain a state and national fingerprint-based  
658 criminal background check for current and prospective employees for whom the school  
659 committee has direct hiring authority. The superintendent, principal or other administrator shall  
660 also obtain a state and national fingerprint-based criminal background check for any individual  
661 who regularly provides school related transportation to children. Said school committee,  
662 superintendent or principal or other administrator may obtain a state and national fingerprint-  
663 based criminal background check, as authorized by 42 U.S.C. section 16962, for any volunteer or  
664 subcontractor or laborer commissioned by the school committee or school or employed by the  
665 city or town to perform work on school grounds, who may have direct and unmonitored contact  
666 with children. Fingerprints shall be submitted to the identification section of the department of  
667 state police for a state criminal history check and forwarded to the Federal Bureau of  
668 Investigation for a national criminal history check, according to the policies and procedures  
669 established by the identification section and by the department of criminal justice information  
670 services. Fingerprint submissions may be retained by the Federal Bureau of Investigation, the  
671 state identification section, and the department of criminal justice information services for the  
672 purpose of assisting employers authorized under this chapter to ensure the continued suitability  
673 of those individuals. The department of criminal justice information services may disseminate  
674 the results of the state and national criminal background checks to: a school committee,  
675 superintendent, principal or the designee of the school committee, superintendent or principal, to  
676 determine the suitability of current and prospective employees of the school employer; and to the  
677 department of elementary and secondary education to determine the suitability of applicants for  
678 license and licensed educators who may have direct and unmonitored contact with children;  
679 provided that the department of criminal justice information services may disseminate to a  
680 school committee only results for current and prospective employees for whom the school  
681 committee has direct hiring authority.

682           Entities that receive the results of national criminal background checks shall treat the  
683 information in accordance with sections 167 through 178, inclusive, of chapter 6 and the  
684 regulations thereto regarding criminal offender record information. Notwithstanding the  
685 provisions of sections 4(9) and 4(9 1/2) of chapter 151B of the General Laws, if a school  
686 employer receives criminal record information from the state and national fingerprint-based  
687 criminal background checks that includes no disposition or is otherwise incomplete, the school  
688 employer may request that an individual provide additional information regarding the results of  
689 the criminal background checks to assist the school employer in determining suitability for direct  
690 and unmonitored contact with children. The department of criminal justice information services  
691 shall only disseminate information under this section that would otherwise be available to  
692 requesting entities under sections 167 through 178, inclusive, of chapter 6 and the regulations  
693 thereto regarding criminal offender record information. The school committee, superintendent or  
694 principal shall notify the commissioner of any criminal record information relevant to the fitness  
695 for licensure of any holder of, or applicant for, an educator's license in the commonwealth.

696 The board of elementary and secondary education shall in a manner provided by law and  
697 in accordance with this section and sections 167 through 178, inclusive, of chapter 6 and the  
698 regulations thereto, promulgate regulations necessary to carry out this section. These regulations  
699 shall address the circumstances under which a school employer may rely on a suitability  
700 determination made by a previous Massachusetts school employer or the department of  
701 elementary and secondary education, in lieu of obtaining a new state and national criminal  
702 history background check. The factors identified in the regulations shall include, but need not be  
703 limited to: the date of the previous suitability determination; the individual's employment  
704 history; and the individual's state, or states, of residence since the previous suitability  
705 determination. If an employer chooses to conduct a new state and national finger-print based  
706 criminal history background check, rather than rely on a previous suitability determination, the  
707 employer shall pay the fees for the new check. The regulations shall provide for the  
708 confidentiality of criminal offender record information and the results of fingerprint-based  
709 checks of the state and national criminal history databases, under 42 U.S.C. section 16962 and  
710 Public Law 92-544, obtained under this section. The regulations may reflect a phased-in schedule  
711 for the fingerprint-based background checks of individuals whose employment or service began  
712 prior to the 2013-2014 school year.

713 The applicant shall pay a fee, to be established by the secretary of administration and  
714 finance in consultation with the secretary of public safety and security and the commissioner, to  
715 offset the costs of operating and administering a fingerprint-based criminal background check  
716 system. The fee shall not exceed \$55 for employees who are certified pursuant to section 38G  
717 and shall not exceed \$35 for employees who are not certified pursuant to section 38G. The fee  
718 may increase accordingly if the Federal Bureau of Investigation increases the fee for its  
719 fingerprint background check service. The school committee, superintendent or principal may  
720 reimburse applicants all or part of the fee on the grounds of financial hardship. Any fees  
721 collected from fingerprinting activity under this chapter shall be deposited into the Fingerprint-  
722 Based Background Check Trust Fund established under section 2HHHH of chapter 29.

723

724 SECTION 29. Said chapter 238 is hereby further amended by striking out sections 82 and  
725 83 and inserting in place thereof the following section:-

726 Section 82. The office of commonwealth performance, accountability and transparency,  
727 in consultation with the department of housing and community development and the  
728 commissioner of revenue, shall review the community investment tax credit in section 6M of  
729 chapter 62 and section 38EE of chapter 63 of the General Laws and report on the estimate of the  
730 anticipated foregone revenue from the tax credit, whether this tax credit achieves the desired  
731 outcome and stated public policy purpose of the tax credit, and if the tax credit is the most cost  
732 effective means of achieving this public policy purpose and whether the tax credit should be  
733 subject to a recapture if certain conditions are not met. Not later than March 1, 2015, the office

734 of commonwealth performance, accountability and transparency shall file a report, together with  
735 any recommendations regarding whether there should be legislative changes to the tax credit or  
736 whether the goals of the tax credit can better be served through other means, with the governor  
737 and with the clerks of the house and senate, who shall forward the report to the joint committee  
738 on revenue, the joint committee on economic development and emerging technologies, the joint  
739 committee on community development and small businesses, and the house and senate  
740 committees on ways and means.

741 SECTION 30. Section 12 of chapter 138 of the General Laws, as appearing in the 2010  
742 Official Edition, is hereby amended by striking out, in lines 145 to 157, inclusive, the following  
743 words:- “; provided further, that a local licensing authority, subject to the approval of the  
744 commission, may grant a license notwithstanding section 17 to sell wine for consumption on the  
745 winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to  
746 sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to  
747 operate a farmer-brewer under section 19C and to sell spirits for consumption on the distillery  
748 premises to a farmer-distiller authorized to operate a farmer-distillery under section 19E; and  
749 provided further, that such licensees may sell for on premises consumption wines, malt  
750 beverages and spirits produced by the winery, brewery or distillery or produced for the winery,  
751 brewery or distillery and sold under the winery, brewery or distillery brand name.”

752 SECTION 31. The ninth paragraph of said section 12 of said chapter 138, as so  
753 appearing, is hereby amended by adding the following sentence:- Nothing in this section shall  
754 limit the ability of a farmer-winery licensed under section 19B or a farmer-brewery licensed  
755 under section 19C to hold or have an interest in a license under section 18 and 1 or more licenses  
756 under this section.

757 SECTION 32. Section 19B of said chapter 138, as so appearing, is hereby amended by  
758 adding the following paragraph:-

759 (n) A local licensing authority, subject to the approval of the commission, may grant a  
760 license notwithstanding section 17 to sell wine for consumption on the winery premises to a  
761 winegrower authorized to operate a farmer-winery under section 19B; provided that such  
762 licensees may sell for on premises consumption wines produced by the winery or produced for  
763 the winery and sold under the winery brand name.

764 SECTION 33. Said section 19B of said chapter 138 is hereby amended by striking out, in  
765 line 113, as so appearing, the words “section twelve” and inserting in place thereof the following  
766 words:- this section.

767 SECTION 34. Section 19C of said chapter 138, as so appearing, is hereby amended by  
768 adding the following paragraph:-

769 (n) A local licensing authority, subject to the approval of the commission, may grant a  
770 license notwithstanding section 17 to sell malt beverages for consumption on the brewery  
771 premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C; provided,  
772 that such licensees may sell for on premises consumption malt beverages produced by the  
773 brewery or produced for the brewery and sold under the brewery brand name.

774 SECTION 35. Said section 19C of said chapter 138 is hereby amended by striking out, in  
775 line 119, as so appearing, the words “section twelve” and inserting in place thereof the following  
776 words:- this section.

777 SECTION 36. Section 19E of said chapter 138, as so appearing, is hereby amended by  
778 adding the following paragraph:-

779 (o) A local licensing authority, subject to the approval of the commission, may grant a  
780 license notwithstanding section 17 to sell spirits for consumption on the distillery premises to a  
781 farmer-distiller authorized to operate a farmer-distillery under section 19E; provided, that such  
782 licensees may sell for on premises consumption spirits produced by the distillery or produced for  
783 the distillery and sold under the distillery brand name.

784 SECTION 37. Section 19E of said chapter 138 is hereby amended by striking out, in line  
785 123, as so appearing, the words “section 12” and inserting in place thereof the following words:-  
786 this section.

787 SECTION 38. Section 4B of chapter 262 of the General Laws, as amended by section  
788 116 of chapter 93 of the acts of 2011, is hereby further amended by adding the following  
789 sentence:- No fee under this section shall be charged to the commonwealth or a state agency, but  
790 if an action initiated by the commonwealth or a state agency results in the appointment of a  
791 fiduciary with control over the assets of an estate, then any such fees normally chargeable to an  
792 estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets  
793 of the estate.

794

795 SECTION 39. Section 40 of said chapter 262, as appearing in section 60 of chapter 140  
796 of the acts of 2012, is hereby amended by striking out the last paragraph and inserting in place  
797 thereof the following paragraph:-

798

799 No fee under this section shall be charged to the commonwealth or a state agency, but if  
800 an action initiated by the commonwealth or a state agency results in the appointment of a  
801 fiduciary with control over the assets of an estate, then any such fees normally chargeable to an  
802 estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets  
803 of the estate.

804 SECTION 40. Section 2 of chapter 139 of the acts of 2012 is hereby amended in item  
805 2800-0700 by adding at the end thereof the following words:- ; provided further, that the  
806 department may issue grants to public entities for the repair and maintenance of certain flood  
807 prevention structures established pursuant to chapter 602 of the acts of 1966.

808 SECTION 41. Item 4100-0060 of section 2 of chapter 139 of the acts of 2012 is hereby  
809 amended by inserting after the words “acts of 1997” the following words:- ; provided further,  
810 that assessment revenue received after June 30, 2013 for assessments billed in fiscal 2013 shall  
811 be credited toward fiscal 2013 revenue receipts.

812 SECTION 42. Item 1595-1067 of section 2E of said chapter 139 is hereby amended by  
813 inserting after the words “nonfederal share of such payment” the following words:- ; provided  
814 further, that upon certification from the secretary of administration and finance the comptroller  
815 shall credit up to \$11,213,334 in transfers made by the Cambridge Public Health Commission  
816 received after June 30, 2013, toward fiscal year 2013 revenue receipts.

817 SECTION 43. Section 62 of chapter 176 of the acts of 2012 is hereby amended by  
818 striking out the words “January 11”, inserted by section 5 of chapter 435 of the acts of 2012, and  
819 inserting in place thereof the following words:- June 30.

820 SECTION 44. Chapter 459 of the acts of 2012 is hereby amended by striking out section  
821 3.

822 SECTION 45. Chapter 459 of the acts of 2012 is hereby amended by striking out section  
823 8C in its entirety and inserting in place thereof the following section:-

824 Section 8C. For the purposes of this section, a “conditional employee” is an individual  
825 who may have direct and unmonitored contact with children who a school employer hires  
826 without first obtaining the results of a state and national fingerprint-based criminal history check  
827 because the employer determines that hiring the individual is necessary. School employers may  
828 hire conditional employees under the following circumstances:

829 (i) Until the Commonwealth has fully implemented a system for forwarding fingerprints  
830 to the Federal Bureau of Investigation for a national criminal history check and providing the  
831 results of those checks to school employers, school employers may hire individuals without first  
832 obtaining the results of a state and national fingerprint-based criminal history check if the school  
833 employer has obtained from the Massachusetts department of criminal justice information  
834 services all available criminal offender record information on the individual(s).

835 (ii) Once the Commonwealth has fully implemented a system for forwarding fingerprints  
836 to the Federal Bureau of Investigation for a national criminal history check and providing the  
837 results of those checks to school employers:

838 (1) school employers shall require employees hired for the 2013-14 school year or  
839 thereafter without the results of a state and national fingerprint-based criminal history check to  
840 submit fingerprints for a state and national criminal history check within a reasonable period of  
841 time; and

842 (2) school employers may hire individuals without first obtaining the results of a state and  
843 national fingerprint-based criminal history check in limited circumstances. The board of  
844 elementary and secondary education shall in a manner provided by law and in accordance with  
845 this section, promulgate regulations necessary to carry out this section. These regulations shall  
846 address the circumstances under which a school employer may hire a conditional employee.

847 Notwithstanding the provisions of sections 4(9) and 4(9 1/2 ) of chapter 151B of the  
848 General Laws, if a school employer seeks to hire a conditional employee, the school employer  
849 may request that an individual provide additional information regarding his or her history of  
850 criminal convictions, other than juvenile or sealed convictions, to assist the school employer in  
851 determining suitability for direct and unmonitored contact with children.

852 SECTION 46. Chapter 459 of the acts of 2012 is hereby amended by striking out section  
853 9 in its entirety and inserting in place thereof the following section:-

854 Section 9. Sections 1 and 2 of this act shall apply to all new applicants for licensure,  
855 certification or approval, for all household members, age 15 or older, or persons regularly on the  
856 premises, age 15 or older, of applicants for family child care licensure, for all applicants to be  
857 adoptive or foster parents and their household members age 15 or older, and for all in-home non-  
858 relative department funded caregiver applicants, submitted on or after September 1, 2013. All  
859 individuals who are currently licensed, certified or approved by the department of early  
860 education and care, all household members, age 15 or older, or persons regularly on the  
861 premises, age 15 or older of family child care licensees, as well as all in-home non-relative  
862 department funded caregivers, shall be required to comply with the requirements of this act upon  
863 renewal of licensure, certification, approval or funding, no later than September 1, 2016.  
864 Sections 1 and 2 of this act shall also apply to prospective employees in any department of early  
865 education and care licensed, funded or approved program who have the potential for  
866 unsupervised contact with children, including those providing transportation services on behalf  
867 of any department licensed, funded or approved program, hired to begin employment on or after  
868 September 1, 2013. Employees in any department of early education and care licensed, funded  
869 or approved programs who have the potential for unsupervised contact with children, including  
870 those providing transportation services on behalf of any early education and care department  
871 licensed, funded or approved program hired prior to that date shall submit fingerprints for state  
872 and national criminal history checks no later than September 1, 2016.

873 Should a state and national fingerprint-based criminal check not be available through the  
874 department by September 1, 2013, then all new applications for licensure, certification or

875 approval, all household members, age 15 or older, or persons regularly on the premises, age 15  
876 or older, of applicants for family child care licensure, all applicants to be adoptive or foster  
877 parents and their household members age 15 or older, and all in-home non-relative department  
878 funded caregiver applicants who apply on or after September 1, 2013, must undergo such a  
879 check as soon it becomes available.

880 Should a state and national fingerprint-based criminal check not be available through the  
881 department at the time an application for renewal of a department issued license, certificate,  
882 approval or funding request is due, then the applicant for renewal must undergo such a check as  
883 soon it becomes available but not later than September 1, 2016.

884 Should a state and national fingerprint-based criminal check not be available through the  
885 department by September 1, 2013, then any prospective employee in any department of early  
886 education and care licensed, funded or approved program who has the potential for unsupervised  
887 contact with children, including those providing transportation services on behalf of any  
888 department licensed, funded or approved program, hired to begin employment on or after  
889 September 1, 2013, will be hired conditionally as set forth in this act.

890 Should a state and national fingerprint-based criminal check not be available through the  
891 department by September 1, 2013, then any employee in any department licensed, funded or  
892 approved program who has the potential for unsupervised contact with children, including those  
893 providing transportation services on behalf of any department licensed, funded or approved  
894 program, hired prior to September 1, 2013, who is undergoing a department required periodic  
895 CORI and DCF background record checks investigation, may continue employment  
896 conditionally as set forth in this act, but must undergo such a check not later than September 1,  
897 2016.

898 Section 7 and Section 8C of this act shall apply to all individuals in K-12 education  
899 whose employment or service for a school or district begins in or after the 2013-2014 school  
900 year. Individuals in K-12 education whose employment or service began before the 2013-2014  
901 school year shall submit fingerprints for state and national criminal history checks on a phased-in  
902 basis prior to the beginning of the 2016-2017 school year.

903 SECTION 47. Notwithstanding any general or special law to the contrary, the secretary  
904 of health and human services, with the written approval of the secretary of administration and  
905 finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500,  
906 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950,  
907 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 139 of the acts of 2012  
908 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not  
909 later than August 30, 2013.

910 SECTION 48. Notwithstanding any general or special law to the contrary, the secretary  
911 of administration and finance may transfer funds from item 1599-1711 to item 1599-1710 of

912 section 2 of chapter 139 of the acts of 2012. The secretary shall notify the house and senate  
913 committees on way and means in writing not less than 10 days before directing the comptroller  
914 to make any such transfer.

915 SECTION 49. The salary adjustments and other economic benefits authorized by the  
916 following collective bargaining agreements shall be effective for the purposes of section 7 of  
917 chapter 150E of the General Laws:

918 (a) between the University of Massachusetts and the International Brotherhood of  
919 Teamsters, Local 25 (Unit B33), for the Boston campus;

920 (b) between the University of Massachusetts and the American Federation of Teachers,  
921 Local 1895, AFL-CIO, Faculty Federation (Units D80 and D81), for the Dartmouth campus; and

922 (c) between the University of Massachusetts and the Federation of Maintenance and  
923 Custodial Employees, MFT, AFT, AFL-CIO (Unit D83), for the Dartmouth campus.

924 SECTION 50. The Department of Conservation and Recreation shall authorize the  
925 installation of a suitable marker on the Esplanade in the city of Boston in recognition of David G.  
926 Mugar on the 40th Anniversary of the Boston Pops July 4th Fireworks Spectacular.

927 SECTION 51. Notwithstanding any general or special law to the contrary and in  
928 recognition of heroic measures taken by officer Sean Allen Collier to protect the public safety of  
929 the commonwealth, who was sworn as a special state police officer under section 63 of chapter  
930 22C of the General Laws and as a deputy sheriff of Middlesex county and Suffolk county, the  
931 state retirement board shall issue a killed in the line of duty death benefit to the family of officer  
932 Sean Allen Collier under section 100A of chapter 32 of the General Laws. The state retirement  
933 board shall administer said benefit according to terms and conditions established for benefits  
934 provided under said section 100A of said chapter 32.

935 SECTION 52. There shall be established upon the books of the commonwealth a separate  
936 fund to be known as the Medical Marijuana Trust Fund, to be expended, without prior  
937 appropriation, by the department of public health. Unless a greater amount is authorized by law,  
938 the fund shall consist of revenue generated from fees collected after July 1, 2013, as authorized  
939 by section 3B of chapter 7 of the General Laws and section 13 of chapter 369 of the acts of 2012.  
940 The commissioner of public health or a designee shall be the trustee of the fund and shall make  
941 expenditures from the fund for the administrative costs of the associated operations and  
942 programs. The department may incur expenses, and the comptroller may certify for payment,  
943 amounts in anticipation of expected receipts; provided, however, that no expenditure shall be  
944 made from the fund which shall cause the fund to be in deficit at the close of a fiscal year.  
945 Moneys deposited in the trust fund that are unexpended at the end of a fiscal year shall not revert  
946 to the General Fund. The commissioner shall report annually on March 1 to the house and senate  
947 committees on ways and means on factors related to the medical marijuana trust fund, such as an

948 analysis of revenue generation, including projections for the forthcoming fiscal year, and an  
949 analysis of the services provided based on trust fund expenditures, including the manner in  
950 which the trust fund expenditures assist the department in meeting its regulatory mandates.

951 SECTION 53. Notwithstanding any general or special law to the contrary, for fiscal year  
952 2014, the secretary of health and human services shall implement, in its entirety and without  
953 being subject to adjustment for the entire fiscal year, section 253 of chapter 224 of the acts of  
954 2012 for its managed care and primary clinician programs.

955 SECTION 54. Notwithstanding any general or special law to the contrary, the secretary  
956 of the commonwealth shall transfer \$716,511 from the elections division operating account, in  
957 item 0521-0000, to the HAVA Trust Account, in item 0521-0700, in order to meet federal  
958 matching fund requirements.

959 SECTION 55. Notwithstanding any general or special law to the contrary, the  
960 unexpended balances of all capital accounts which otherwise would revert on June 30, 2013, but  
961 which are necessary to fund obligations during fiscal year 2014, are hereby re-authorized; but  
962 this re-authorization shall terminate upon enactment of a capital account extension law

963 SECTION 56. Notwithstanding any general or special law to the contrary, the secretary  
964 of state is directed to expend no less than \$19,392 in fiscal year 2013 for a reimbursement to the  
965 town of Northampton for extraordinary election costs in the November 6, 2012, state and federal  
966 election, as appropriated for in item 0521-0000.

967 SECTION 57. Notwithstanding any general or special law to the contrary, the  
968 department housing and community development is directed to expend no less than a total of  
969 \$150,000 for a one-time community action grant in the town of Holbrook in fiscal year 2013, as  
970 appropriated for in item 7004-0099.

971 SECTION 58. Notwithstanding any general or special law to the contrary, the department  
972 of correction is directed to expend no less than a total of \$2,000,000 for cities and towns hosting  
973 department of correction facilities in fiscal year 2013, as appropriated in item 8900-0001;  
974 provided, however, that of the \$2,000,000, no city or town hosting a department of correction  
975 facility shall receive more than \$800,000 and shall not receive less than the amount allocated in  
976 item 8900-0001 of section 2 of chapter 68 of the acts of 2011.

977 SECTION 59. Notwithstanding any general or special law to the contrary, the funds  
978 appropriated in item 4000-0265 of section 2A of chapter 142 of the acts of 2011 shall be again  
979 appropriated for the same dollar amount in line item 4000-0265 and shall be distributed and  
980 managed in the same manner as designated in section 60 of chapter 188 of the acts of 2012.

981 SECTION 60. Notwithstanding any general or special law to the contrary, on or before  
982 March 1, 2014, the executive office of health and human services shall submit a report to the

983 house and senate committees on ways and means and the joint committee on health care  
984 financing detailing the cost savings to the Commonwealth that would result from the  
985 implementation of a basic health program pursuant to section 9 of chapter 118E and 42 U.S.C. §  
986 18051.

987 SECTION 61. Notwithstanding any general or special law to the contrary, the department  
988 of transitional assistance shall consider the following when determining a person's eligibility for  
989 Transitional Aid to Families with Dependent Children, or TAFDC, and Emergency Aid to the  
990 Elderly, Disabled, and Children, or EAEDC, benefits administered by the department: (1) the  
991 financial value of business assets; (2) proof of income or assets of unverified applicants; (3) the  
992 assets or income of responsible relatives; (4) and the assets or income of immigration sponsors.  
993 The department shall consider the discovery of any undisclosed business assets and undisclosed  
994 income or assets of responsible relatives or immigration sponsors as potentially disqualifying. In  
995 addition, all self-declarations made on and pursuant to an application for public assistance and  
996 any landlord verification and shared housing verification forms shall be signed under the pains  
997 and penalties of perjury.

998 SECTION 62. There is hereby established a special task force on state verification and  
999 eligibility consisting of 5 members: the state auditor, or a designee; the attorney general, or a  
1000 designee; the inspector general, or a designee; the state treasurer and receiver general, or a  
1001 designee; and the secretary of administration and finance, or a designee, who shall serve as chair  
1002 of the task force. The task force shall, in consultation with the bureau of program integrity  
1003 established under section 16V of chapter 6A of the General Laws, work to investigate the  
1004 following issues: (1) the development of a common eligibility standard to be applied to all  
1005 agencies of the commonwealth administering public assistance programs; (2) the obstacles to the  
1006 implementation of a common eligibility standard; (3) the fiscal impacts to the commonwealth of  
1007 implementing a common eligibility standard; (4) any federal limitations on the implementation  
1008 of such a standard; and (5) any ancillary impacts to the commonwealth or recipients of public  
1009 benefits. Subject to appropriation, the task force may hire an independent consultant to conduct  
1010 research and assist with the development of any recommendations. The task force shall report to  
1011 the general court the results of its investigation and study, and its recommendations, if any,  
1012 together with drafts of legislation to carry its recommendations into effect, by filing the same  
1013 with the clerks of the senate and house of representatives on or before December 31, 2013.

1014 SECTION 63. Notwithstanding any special or general law to the contrary, within 12  
1015 months of the effective date of this act, for all cardholders over the age of 18, the department of  
1016 transitional assistance shall replace all existing electronic benefit transfer cards with cards  
1017 containing a photograph of the cardholder.

1018 SECTION 64. Notwithstanding any general or special law to the contrary, and where  
1019 federally permissible, the department of transitional assistance and the department of elementary

1020 and secondary education shall develop and implement a statewide system to verify school  
1021 attendance.

1022 SECTION 65. Notwithstanding any general or special law to the contrary, the director of  
1023 the bureau for program integrity shall review the management and operations of the department  
1024 of transitional assistance, including any reports conducted by external consultants, and  
1025 recommend whether the current organizational structure is effective for ensuring that only those  
1026 persons who are eligible receive public benefits. In examining the organizational structure, the  
1027 director shall study and report on whether the department would benefit from additional  
1028 investigators to work with caseworkers to identify cases of waste or abuse. The director shall  
1029 also make recommendations on a standardized filing system for case file organization to be  
1030 implemented throughout all of the department's offices. The director shall make a report to the  
1031 general court on the director's recommendations by filing the same with the clerks of the senate  
1032 and house of representatives on or before March 1, 2014.

1033 SECTION 66. The executive office of health and human services shall file an annual  
1034 report with the clerks of the house and senate on or before October 31, 2013, detailing the status  
1035 and effectiveness of the integrated eligibility system and the status and effectiveness of  
1036 mandatory and suggested data matching efforts outlined in section 16 of chapter 6A of the  
1037 general laws, including but not limited to data matching efforts with the department of revenue,  
1038 the department of elementary and secondary education, the department of unemployment  
1039 assistance, the department of industrial accidents, the registry of motor vehicles, the department  
1040 of criminal justice information services and the department of corrections. The report shall  
1041 include the number of people enrolled in each public assistance program pursuant to the  
1042 implementation of the integrated eligibility system, the number of discrepancies identified by the  
1043 integrated eligibility system, and the number of people whose benefits were terminated pursuant  
1044 to discrepancies identified by the integrated eligibility system.

1045 SECTION 67. Sections 10 and 14 shall take effect on or before December 31, 2013.

1046 SECTION 68. The integrated eligibility system, established pursuant to section 4 shall be  
1047 implemented on or before January 1, 2014, for MassHealth and on or before June 1, 2014, for all  
1048 other public assistance programs under the executive office of health and human services.

1049 SECTION 69. Section 13 shall take effect on or before July 1, 2014.